

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JONATHAN MUNOZ,

Plaintiff

v.

DENIS MCDONOUGH,

Defendant

Case No.: 2:21-cv-00430-APG-EJY

**Order Accepting Report and  
Recommendation**

[ECF No. 10]

On October 29, 2021, Magistrate Judge Youchah recommended that plaintiff Jonathan Munoz's amended complaint be dismissed, and that Munoz be given another opportunity to file an amended complaint. ECF No. 10. Munoz has not objected. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation **(ECF No. 10) is accepted** and plaintiff Jonathan Munoz's amended complaint **(ECF No. 7) is dismissed without prejudice**. Plaintiff Jonathan Munoz shall have until **November 30, 2021** to file a second amended complaint that corrects the deficiencies identified in Judge Youchah's report and recommendation. Failure to file a second amended complaint by that date will result in this action being dismissed with prejudice.

DATED this 19th day of November, 2021.



ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE